

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

) PATENT APPLICATION

Inventor: David Chao; Richard Chao)

Art Unit: 2873

SC/Serial No.: 08/963,299)

Examiner: H. Dang

Filed: 11/03/97)

Title: EYE-WEAR WITH MAGNETS)

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

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I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on January 27, 1999.

(Attorney Signature)

Peter P. Tong, Reg. No. 35,757

Signature Date: January 27, 1999.

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

Enclosed with this statement are the following:

X Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.

— A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of U.S. applications, 37 C.F.R. §1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written

English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).

This statement should be considered because:

☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within 3 months of the application filing date;
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office action on the merits,
whichever occurs last.

☒ Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance (whichever occurs first)

-- AND (check at least one of the following) --

- ☒ (1) It is accompanied by the \$240 fee set forth in 37 C.F.R. §1.17(p)
-- OR --
- ☐ (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e)

☐ Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
-- AND --
- (2) It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d);
-- AND --
- (3) It is accompanied by the \$130 fee set forth in 37 C.F.R. §1.17(i)(1);
-- AND --
- (4) The Issue Fee has not yet been paid.

X **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.


Respectfully submitted,

FLIESLER, DUBB, MEYER & LOVEJOY LLP

Date: _____

1/27/99

By: _____


PETER P. TONG
Reg. No. 35,757

REMARKS

The following Remarks are supplied as part of or in supplement to this Information Disclosure Statement.

The references identified in this IDS have previously been submitted in one of the parent applications, patent 5,737,054, issued from patent application serial number 08/766,327. Thus, copies of the references cited herein are not submitted.

Applicants submit that documents describing Twincome are not publications under 102 or are not publicly available documents. At present, Applicants are contesting such documents being represented as publicly available in a Patent Opposition Proceeding in Germany. However, in case the Examiner considers such documents as relevant, to satisfy rule 56, Applicants have included them in this IDS.